

SECOND REGULAR SESSION

# SENATE BILL NO. 1314

92ND GENERAL ASSEMBLY

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INTRODUCED BY SENATORS BRAY, DAYS, COLEMAN, CHAMPION, BLAND AND WHEELER.

Read 1st time February 26, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

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## AN ACT

To amend chapter 565, RSMo, by adding thereto three new sections relating to domestic assault offenses, with penalty provisions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 565, RSMo, is amended by adding thereto three new sections, to be known as sections 565.145, 565.146, and 565.147, to read as follows:

**565.145. 1. When responding to the scene of an alleged act of domestic assault, a law enforcement officer may remove a firearm from the scene if:**

**(1) The law enforcement officer has probable cause to believe that an act of domestic assault has occurred; and**

**(2) The law enforcement officer has observed the firearm on the scene during the response.**

**2. If a firearm is removed from the scene under subsection 1 of this section, the law enforcement officer shall:**

**(1) Provide to the owner of the firearm information on the process for retaking possession of the firearm; and**

**(2) Provide for the safe storage of the firearm during the pendency of any proceeding related to the alleged act of domestic assault.**

**3. Within fourteen days of the conclusion of a proceeding on the alleged act of domestic assault, the owner of the firearm may retake possession of the firearm unless ordered to surrender the firearm under section 571.095, RSMo.**

**565.146. A sheriff shall deny an application for or revoke a permit issued or registration filed pursuant to section 571.090, RSMo, if the sheriff finds that the applicant, or a person who was issued a permit or has registered a firearm:**

**(1) Is subject to an existing order of protection prohibiting him or her from possessing a firearm;**

**(2) Has been convicted of or pled guilty or nolo contendere to domestic**

assault as defined in sections 565.072 to 565.074; or

(3) Has been convicted of or pled guilty or nolo contendere to a violation of an order of protection issued in response to a domestic assault situation.

The provisions of this section shall apply to persons who obtained a permit or registered a firearm pursuant to section 571.090, RSMo, prior to August 28, 2004.

565.147. 1. It shall be unlawful to possess a firearm for a person who:

(1) Is subject to a court order that:

(a) Was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

(b) Restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(c) Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or a child; or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(2) Has been convicted in a court of competent jurisdiction of a misdemeanor crime of domestic assault;

2. It shall be a class D felony to violate the provisions of this section.